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## **World Heritage and Climate Change: Request to address state party climate action in state of conservation reports and draft decisions**

### ***Introduction***

We write on behalf of 76 organizations and individuals that are concerned about the impacts of climate change on the Outstanding Universal Value (OUV) of UNESCO World Heritage properties to recommend that your organizations:

- Include, in state of conservation reports and draft decisions for climate-vulnerable properties under review, conclusions about whether the relevant state party's actions are consistent with a 1.5°C pathway, and, if they are not, recommend steps the state party should take to achieve this; and
- Request state parties to report on how they are proactively aligning their actions with the international community's goal of limiting global temperature rise to 1.5°C.

In taking these steps, your organizations would be following in the footsteps of other United Nations treaty bodies and institutions that have called on state parties to take specific actions to ensure that those states' contributions to climate change do not undermine the goals of the relevant international agreements.

***Climate change is threatening the Outstanding Universal Value of World Heritage properties and the World Heritage Convention requires greater action by state parties***

The World Heritage Committee has recognized that the impacts of climate change are threatening the OUV of World Heritage properties around the world<sup>1</sup> – from glaciers to wetlands, archaeological sites to heritage buildings.<sup>2</sup> These threats will intensify and expand as temperatures continue to increase. The evidence is clear that we need to limit warming to no more than 1.5°C above preindustrial levels to avert the most serious consequences of climate change<sup>3</sup> and attempt to protect the OUV of World Heritage properties,<sup>4</sup> although even limiting warming to 1.5°C is unlikely to preserve the OUV of many sites, such as coral reefs and glaciers.<sup>5</sup>

In recent years, the World Heritage Committee has emphasized the “importance of States Parties undertaking the most ambitious implementation of the Paris Agreement ... by pursuing efforts to limit the global average temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.”<sup>6</sup>

However, in the face of the ever-increasing threat of climate change to OUV, more is needed, and the World Heritage Convention requires greater action by state parties. The World Heritage Convention requires state parties to “do all [they] can ... to the utmost of [their] own resources” to protect and conserve World Heritage properties.<sup>7</sup> Parties must also ensure that the OUV of properties in their territories is “sustained or enhanced over time,”<sup>8</sup> including by addressing existing and potential threats, whatever their source.<sup>9</sup> Because climate change threatens the OUV of many World Heritage properties, these obligations mean state parties must do all they can to the utmost of their resources to address the threat of climate change by proactively aligning their actions – including any exports of fossil fuels that emit greenhouse gases – with limiting global temperature rise to 1.5°C, and must achieve their fair share of global emissions reductions.<sup>10</sup>

***United Nations treaty bodies and international organizations are recommending actions to individual states to ensure their contributions to climate change do not undermine the goals of various treaties***

Other United Nations treaty bodies and international organizations are taking steps like the ones we are recommending your organizations take. For example, United Nations treaty bodies are identifying how the impacts of climate change affect matters under their purview even when the treaty they administer does not explicitly address climate change, and are making recommendations to individual states to fulfil their obligations under the treaty by reducing their contributions to climate change.<sup>11</sup> The United Nations Committee on Economic, Social and Cultural Rights, in its periodic review of Germany in November 2018, called on the country to take action to close the gap between Germany’s actions and its emission reductions target:

While noting the State party’s domestic commitment to ensuring compliance with its target of reducing emissions by 55 per cent by 2030 compared with 1990 levels, the Committee regrets that **the State party is not on course to meet its greenhouse gas emission reduction targets for 2020.**

The Committee recommends that **the State party intensify its efforts to reach its greenhouse gas emission targets** for 2020 and that it comply with its obligations under article 4 (16) of the Paris Agreement by submitting its 2030 target as its nationally determined contribution.<sup>12</sup>

Similarly, in its November 2018 periodic review of Argentina, the United Nations Committee on Economic, Social and Cultural Rights recommended that Argentina reconsider a proposed fracking project that would result in significant greenhouse gas emissions. The committee expressed concern

about plans for large-scale exploitation of unconventional fossil fuels (shale gas and shale oil) through hydraulic fracturing in the Vaca Muerta region of Neuquén Province, given that exploiting all of the country's shale gas reserves through hydraulic fracturing would consume a significant percentage of the entire global carbon budget for achieving the 1.5°C target laid down in the Paris Agreement on climate change. **The Committee is concerned that this hydraulic fracturing plan runs counter to the State party's commitments under the Paris Agreement and would have a negative impact on global warming** and on the enjoyment of economic and social rights by the world's population and future generations....

The Committee recommends that [Argentina] **reconsider the large-scale exploitation of unconventional fossil fuels through hydraulic fracturing in the Vaca Muerta region**, in order to ensure compliance with its obligations under the Covenant [on Economic, Social and Cultural Rights], in the light of the Paris Agreement commitments. It also **encourages the State party to promote alternative and renewable energy sources**, reduce greenhouse gas emissions and set national targets with time-bound benchmarks.<sup>13</sup>

The United Nations Committee on the Rights of the Child has raised similar concerns and made recommendations to individual states. For example, in its periodic review of Australia in September 2019, the committee expressed concern

that [Australia] has made **insufficient progress on the goals and targets set out in the Paris Agreement and about its continuing investment in extractive industries**, in particular coal.<sup>14</sup>

The Committee then urged Australia to

**promptly take measures to reduce its emissions of greenhouse gases by establishing targets and deadlines to phase out the domestic use and export of coal and to accelerate the transition to renewable energy**, including by committing to meeting 100 per cent of its electricity needs with renewable energy.<sup>15</sup>

Other United Nations treaty bodies have called on states to reconsider funding coal-fired power plants and ensure their gradual replacement with renewables; assess the impacts of its coal-fired power plants on the climate and children; and reduce coal consumption and export. More detail about these recommendations is included in the **appendix** to this letter.

In addition to the many treaty bodies making specific recommendations to particular nations, numerous United Nations treaty bodies have made general calls on states to reduce their contributions to climate change.<sup>16</sup> For example, in September 2019, five United Nations human rights treaty bodies<sup>17</sup> jointly recommended that states

must **adopt and implement policies aimed at reducing emissions**, which reflect the highest possible ambition, foster climate resilience and ensure that public and private investments are consistent with a pathway towards low carbon emissions and climate resilient development.

... States parties should **effectively contribute to phasing out fossils fuels, promoting renewable energy and addressing emissions from the land sector, including by combating deforestation.** Additionally, States must regulate private actors, including by holding them accountable for harm they generate both domestically and extraterritorially. States should also **discontinue financial incentives or investments in activities and infrastructure which are not consistent with low greenhouse gas emissions pathways,** whether undertaken by public or private actors as a mitigation measure to prevent further damage and risk.<sup>18</sup>

Finally, for the past decade the United Nations Environment Programme (UNEP) has prepared Emissions Gap Reports, comparing assessments of current and future greenhouse gas emissions with pathways to limit warming to 1.5°C. These reports identify specific countries that are projected to meet, or not meet, their Paris targets. For example, in the 2019 Emissions Gap Report, the UNEP noted that Australia, Brazil, Canada, Japan, Korea, South Africa, and the United States each “require further action” to achieve their Paris targets.<sup>19</sup> The Organisation for Economic Co-Operation and Development (OECD) similarly includes in environmental performance reviews of member and partner countries assessments of whether countries are achieving their domestic and international environmental commitments and makes recommendations to help countries improve their environmental performance.<sup>20</sup> For example, in January 2019, the OECD noted that Australia needed to intensify its efforts to reach its Paris target and recommended that the country stabilize and strengthen its climate policy and develop an integrated energy and climate policy based on a low-emission development strategy.<sup>21</sup>

***To protect the Outstanding Universal Value of climate-vulnerable World Heritage properties, we urge you to address state obligations to align their actions with a 1.5°C future***

As advisory bodies and secretariat to the World Heritage Committee, your organizations are uniquely placed to protect the OUV of World Heritage properties by assisting the Committee to recommend actions that state parties should take to protect properties within their jurisdiction by reducing their contributions to climate change and aligning their actions with a 1.5°C pathway. This would help prevent the impacts of climate change from undermining the purpose of the World Heritage Convention to protect World Heritage properties and transmit them to future generations.

Accordingly, **we recommend that your organizations:**

- 1. Ensure that state of conservation reports and draft decisions for all climate-vulnerable sites under review address whether the state party is doing all it can to protect the OUV of the property by proactively aligning its actions – including any exports of fossil fuels that emit greenhouse gases – with limiting global temperature rise to 1.5°C, and whether it is achieving its fair share of global emissions reductions;**
- 2. Where the state party is not doing all it can to proactively align its actions with a 1.5°C pathway or is not achieving its fair share of global emissions reductions, recommend actions it may take to do so; and**
- 3. Ask state parties to report on the steps they are taking to protect the OUV of their properties by proactively aligning their actions with limiting global temperature rise to 1.5°C above preindustrial levels and doing their fair share to reduce their contributions to climate change, including their progress in meeting emissions reductions targets under the Paris Agreement.**

When it is necessary and appropriate to recommend specific actions, these recommendations would necessarily vary depending on the property and the national circumstances of the state party. Examples of such action could include calling on a state party to:

- Intensify its efforts to meet and/or strengthen its emissions reductions targets under the Paris Agreement;
- Take steps to promote renewable energy sources by, for example, making long-term commitments to procure energy from low-carbon renewable sources or reforming national regulation to facilitate the deployment of renewable energy;
- Take steps to phase out the domestic reliance on, or production or export of, fossil fuels, particularly around World Heritage properties where aspects of OUV are sensitive to associated pollution;
- Discontinue subsidies, financial incentives, or investments which promote or enable activities and infrastructure that are inconsistent with low greenhouse gas emissions pathways;
- Refuse to approve new or expanded fossil fuel development projects; or
- Withhold financial, political, or other support for fossil fuel development projects.

We urge you to proceed in step with other United Nations bodies. As the Intergovernmental Panel on Climate Change has stated, “Every bit of warming matters, every year matters, every choice matters.”<sup>22</sup>

Thank you for your consideration.

#### **Signatories (alphabetical)**

1. 350.org (Global)
2. Accountability Counsel (USA)
3. African Climate Alliance (South Africa)
4. Archaeology Southwest (USA)
5. Association for the Protection of Cultural Heritage (Turkey)
6. Australian Conservation Foundation (Australia)
7. Australian Marine Conservation Society (Australia)
8. Australian Rainforest Conservation Society (Australia)
9. Bangladesh Poribesh Andolon (Bangladesh)
10. BankTrack (Netherlands)
11. Borneo Project (USA)
12. Bruno Manser Fund (Switzerland)
13. Center for Biological Diversity (USA)
14. Centre des Études Amazighes Historiques et Environnementales (Morocco)
15. Centre for Environmental Rights (South Africa)
16. ClientEarth (UK)
17. Confédération des Associations Amazighes du Sud Marocain (Morocco)
18. Conservation Action Trust (India)
19. DeCOALonize (Kenya)
20. Earthjustice (USA)
21. EcoPeace Middle East (Jordan, Palestine, Israel)
22. Engage Liverpool (UK)

23. Environmental Confederation of Southwest Florida (USA)
24. Environmental Defenders Office (Australia)
25. Environmental Justice Australia (Australia)
26. Florida Defenders of the Environment (USA)
27. Foundation Earth (USA)
28. Friends of Hawaiian Islands National Wildlife Refuge (USA)
29. Friends of the Earth Australia (Australia)
30. Friends of the Earth US (USA)
31. Friends of the Lake District (UK)
32. Fundación Ambiente y Recursos Naturales (Argentina)
33. Greenpeace (Global)
34. Matthew Hatchwell, Chair, DICE Advisory Board, University of Kent (UK)
35. Prof. Em. Dr. Wolf-Dieter Heilmeyer, former Director, Prussian Cultural Heritage State Museums (Germany)
36. Dr. Terry Hughes, Director, ARC Centre of Excellence for Coral Reef Studies (Australia)
37. ICOMOS United States National Committee (USA)
38. Indigenous Peoples of Africa Co-ordinating Committee (South Africa)
39. Initiative for St. Andrew's Passage (Ukraine)
40. Interamerican Association for Environmental Defense (AIDA) (Latin America)
41. International Federation of Landscape Architects Europe (Belgium)
42. International Marine Mammal Project (USA)
43. International Rivers (USA)
44. Lakes Watch (UK)
45. Lawyers' Environmental Action Team (Tanzania)
46. Living Landscape Observer (USA)
47. Prof. Em. Dr. William Logan, Deakin University (Australia)
48. Market Forces (Australia)
49. Prof. Dr. Salvatore Messina, Academic Head, Dept of European Studies "Jean Monnet" (Switzerland)
50. Ilias Monacholias, Senior Energy Advisor, Planet SA (Greece)
51. Mystic Aquarium (USA)
52. National Committee for Saving the Sundarbans (Bangladesh)
53. Natural Resources Defense Council (USA)
54. Ohrid SOS (Macedonia)
55. Oyu Tolgoi Watch (Mongolia)
56. PRODECAP-Sadad (Niger)
57. Rainforest Action Network (USA)
58. Rainforest Foundation UK (UK)
59. Rivers without Boundaries Coalition (Mongolia)
60. Save Lamu (Kenya)
61. Save Rivers (Malaysia)
62. Sierra Club (USA)
63. Society for Threatened Peoples (Germany)
64. SOS Orinoco (USA)
65. Sylvia Earle Alliance / Mission Blue (USA)

66. The Wilderness Society (Australia)
67. Dr. Charlie Veron (Australia)
68. Wadden Sea Society (Netherlands)
69. Wahana Lingkungan Hidup Indonesia (WALHI) (Indonesia)
70. Waterkeeper Alliance (Global)
71. Waterkeepers Bangladesh (Bangladesh)
72. WILD Foundation (USA)
73. Wildsight (Canada)
74. World Heritage Watch (Germany)
75. WWF (World Wide Fund for Nature) (Global)
76. Yayasan Hutan, Alam, dan Lingkungan Aceh (HAKA) (Indonesia)

## APPENDIX: Additional examples of recommendations by United Nations treaty bodies to individual states in relation to climate change mitigation responsibilities

1. United Nations Committee on the Elimination of Discrimination Against Women – Concluding observations on the eighth periodic report of **Australia** (July 2018)<sup>23</sup>

The Committee is concerned about the ... State party's greenhouse gas emissions of 1.4 per cent of global emissions, without accounting for the emissions embedded in exports [and] the high level of those emissions in relation to the State party's population of 0.3 per cent of the world population, in part owing to the continued dependency on coal for domestic use and exports....

[T]he Committee recommends that the State party ... further reduce greenhouse gas emissions, notably those resulting from coal consumption and exports... .

2. United Nations Committee on Economic, Social and Cultural Rights – Concluding observations on the fourth periodic report of **Ecuador** (November 2019)<sup>24</sup>

The Committee takes note of the climate change mitigation and adaptation measures included in the State party's first nationally determined contribution. However, it is concerned that the increase in extractive activities announced under the Prosperity Plan runs counter to the State party's commitments under the Paris Agreement ... and would have a negative impact on global warming and on the enjoyment of economic and social rights by the world's population and future generations... .

The Committee recommends that the State party reconsider the increase in oil development and large-scale mining in the light of its commitments under the Paris Agreement. It also encourages the State party to promote alternative and renewable energy sources, reduce greenhouse gas emissions and set national targets with time-bound benchmarks.

3. United Nations Committee on the Rights of the Child – Concluding observations on the combined fourth and fifth periodic reports of **Japan** (March 2019)<sup>25</sup>

The Committee ... recommends that the State party... [e]nsure that climate mitigation policies are compatible with the Convention, including by reducing its emissions of greenhouse gases in line with its international commitments to avoid a level of climate change threatening the enjoyment of children's rights, particularly the right to health, food and an adequate standard of living [and] [r]econsider the State party's funding of coal-fired power plants in other countries and ensure that they are gradually replaced by power plants using sustainable energy.

4. United Nations Committee on the Rights of the Child – Concluding observations on the combined fifth and sixth periodic reports of **Spain** (March 2018)<sup>26</sup>

The Committee recommends that the State party carry out an assessment of the impact of air pollution from coal-fired power plants on children's health and on the climate as a



basis for designing a well-resourced strategy to remedy the situation, and strictly regulate maximum air-pollutant emissions, including those produced by private businesses.

5. United Nations Committee on the Elimination of Discrimination against Women – Concluding observations on the fifth periodic report of **Fiji** (March 2018)<sup>27</sup>

The Committee notes with appreciation the leading role that [Fiji] has played in international climate change negotiations... . The Committee has observed, however, that at the national level women are largely excluded from the process of drafting and implementing policies and action plans on climate change and disaster risk reduction... . The Committee is, therefore, concerned about ... [t]he contribution of private sector actors, in particular fossil fuel companies operating in the country, to greenhouse gas emissions.

6. United Nations Committee on the Rights of the Child – Concluding observations on the combined third to fifth periodic reports of the **Niger** (November 2018)<sup>28</sup>

While noting the significant impacts of climate change on the State party..., the Committee draws attention to target 13.b of the Sustainable Development Goals, on promoting mechanisms for raising capacity for effective climate change-related planning and management, and recommends that the State party take measures to strengthen policies and programmes to address the issues of climate change and disaster risk management, including through replanting trees, regenerating land and increasing solar energy.

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<sup>1</sup> See, for example, 42 COM 7 (2018), para. 29, <https://whc.unesco.org/en/decisions/7112/>.

<sup>2</sup> For discussion of climate change impacts on World Heritage properties, see, for example, UNESCO, *Policy document on the impacts of climate change on World Heritage properties* (2008), available to download at <https://whc.unesco.org/en/CC-policy-document/>; UNESCO, UNEP, and UCS, *World Heritage and tourism in a changing climate* (2016), <https://www.ucsusa.org/sites/default/files/attach/2016/05/world-heritage-and-tourism-in-a-changing-climate.pdf>; S. Heron *et al*, *Impacts of climate change on World Heritage coral reefs: a first global scientific assessment* (2017), available to download at <https://whc.unesco.org/en/news/1676>; J. Bosson *et al*, *Disappearing World Heritage glaciers as a keystone of nature conservation in a changing climate*, *Earth's Future*, 7, 469–479 (2019), <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1029/2018EF001139>.

<sup>3</sup> See generally Intergovernmental Panel on Climate Change (IPCC), *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* (2018), [https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15\\_Full\\_Report\\_High\\_Res.pdf](https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Full_Report_High_Res.pdf).

<sup>4</sup> See, for example, Heron *et al*, *Impacts of climate change on World Heritage coral reefs*, above n. 2; Bosson *et al*, *Disappearing World Heritage glaciers as a keystone of nature conservation in a changing climate*, above n. 2.

<sup>5</sup> *Id.* See also S. Heron *et al*, *Impacts of climate change on World Heritage coral reefs: update to the first global scientific assessment* (2018), available to download at <https://whc.unesco.org/en/news/1878/>.

<sup>6</sup> 41 COM 7 (2017), para. 22, <https://whc.unesco.org/en/decisions/6940/>; 42 COM 7 (2018), para. 29, above n. 1, (quotations omitted in both sources).

<sup>7</sup> *Convention Concerning the Protection of the World Cultural and Natural Heritage*, Articles 4 and 5. See also Earthjustice and Environmental Justice Australia, *World Heritage and climate change: the legal responsibility of*

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states to reduce their contributions to climate change – a Great Barrier Reef case study (Mar. 2017), especially pages 8-11, [https://earthjustice.org/sites/default/files/files/World-Heritage-Climate-Change\\_March-2017.pdf](https://earthjustice.org/sites/default/files/files/World-Heritage-Climate-Change_March-2017.pdf).

<sup>8</sup> UNESCO, *Operational Guidelines for the Implementation of the World Heritage Convention* (Jul. 2019), para. 96.

<sup>9</sup> The criteria for inscribing a World Heritage property on the List of World Heritage in Danger, which include threats from “ascertained” or “potential” danger, support the conclusion that protecting and conserving a World Heritage property includes addressing both existing and potential threats. *Operational Guidelines for the Implementation of the World Heritage Convention*, paras. 179-180. Also, the World Heritage Convention places no limits or exclusions on the kinds of threats that states must address. As the World Heritage Centre has noted, “Where the threat [to a property] comes from is irrelevant.” UNESCO, *Policy document on the impacts of climate change on world heritage properties*, above n. 2, page 12. See also Earthjustice *et al*, *World Heritage and climate change*, above n. 7, pages 8-11.

<sup>10</sup> See generally Earthjustice *et al*, *World Heritage and climate change*, above n. 7, pages 8-11.

<sup>11</sup> See generally Center for International Environmental Law and The Global Initiative for Economic, Social and Cultural Rights, *States’ human rights obligations in the context of climate change – Synthesis note on the concluding observations and recommendations on climate change adopted by UN human rights treaty bodies* (Jan. 2018), <https://www.ciel.org/wp-content/uploads/2018/01/HRTBs-synthesis-report.pdf>, and *States’ human rights obligations in the context of climate change – 2019 update* (Feb. 2019), <https://www.ciel.org/wp-content/uploads/2019/03/HRTB-Feb.-2019-update-2019-03-25.pdf>.

<sup>12</sup> Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of Germany*, E/C.12/DEU/CO/6 (Nov. 27, 2018), paras. 18-19 (emphasis added), available to download at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/DEU/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/DEU/CO/6&Lang=En).

<sup>13</sup> Committee on Economic, Social and Cultural Rights, *Concluding observations on the fourth periodic report of Argentina*, E/C.12/ARG/CO/4 (Nov. 1, 2018), paras. 13-14 (emphasis added), available to download at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/ARG/CO/4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/ARG/CO/4&Lang=En).

<sup>14</sup> Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia*, CRC/C/AUS/CO/5-6 (Nov. 1, 2019), para. 40 (emphasis added), available to download at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/AUS/CO/5-6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/AUS/CO/5-6&Lang=En).

<sup>15</sup> *Id.*, para. 41(b) (emphasis added).

<sup>16</sup> For example, the United Nations Committee on Economic, Social and Cultural Rights has said that, to comply with human rights obligations in the context of climate change, states must refrain “from the adoption of measures that could worsen climate change,” “effectively regulat[e] private actors to ensure that their actions do not worsen climate change,” and adopt “policies that can channel modes of production and consumption towards a more environmentally sustainable pathway.” Committee on Economic, Social and Cultural Rights, *Climate change and the International Covenant on Economic, Social and Cultural Rights*, E/C.12/2018/1 (Oct. 31, 2018), para. 10, available to download at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2018%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2018%2f1&Lang=en). Also, the United Nations Committee on the Elimination of Discrimination Against Women has said that states should take “effective steps to ... limit carbon emissions [and] fossil fuel use.” Committee on the Elimination of Discrimination against Women, *General recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change*, CEDAW/C/GC/37 (Mar. 13, 2018), para. 46(a), available to download at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/37&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/37&Lang=en).

<sup>17</sup> Committee on the Elimination of Discrimination Against Women, Committee on Economic, Social and Cultural Rights, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, Committee on the Rights of the Child, and Committee on the Rights of Persons with Disabilities.

<sup>18</sup> United Nations Office of the High Commissioner of Human Rights, *Five UN human rights treaty bodies issue a joint statement on human rights and climate change* (Sep. 16, 2019), paras. 2-3 under the heading “States’ Human Rights Obligations” (emphasis added), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998>. In the same statement, the five

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human rights treaty bodies noted that “[f]ailure to take measures to prevent foreseeable human rights harm caused by climate change, or to regulate activities contributing to such harm, could constitute a violation of States’ human rights obligations,” and committed in their future work to providing “guidance to States on how they can meet their obligations under these instruments, in relation to mitigation and adaptation to climate change.” *Id.*, para. 1, under the heading “States’ Human Rights Obligations” and para. 1 under the heading “The role of the Committees.”

<sup>19</sup> United Nations Environment Programme, *Emissions Gap Report 2019*, pages xvi-xvii,

<https://wedocs.unep.org/bitstream/handle/20.500.11822/30797/EGR2019.pdf?sequence=1&isAllowed=y>.

<sup>20</sup> See OECD Environmental Performance Reviews, [https://www.oecd-ilibrary.org/environment/oecd-environmental-performance-reviews\\_19900090](https://www.oecd-ilibrary.org/environment/oecd-environmental-performance-reviews_19900090).

<sup>21</sup> OECD, *OECD Environmental Performance Reviews – Australia 2019* (2019), pages 26, 30, [https://read.oecd-ilibrary.org/environment/oecd-environmental-performance-reviews-australia-2019\\_9789264310452-en#page1](https://read.oecd-ilibrary.org/environment/oecd-environmental-performance-reviews-australia-2019_9789264310452-en#page1).

<sup>22</sup> IPCC, *Global Warming of 1.5°C*, above n. 3, Foreword at (vi).

<sup>23</sup> CEDAW/C/AUS/CO/8 (Jul. 25, 2018), paras. 29(c), 30(c), available to download at

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/AUS/CO/8&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/AUS/CO/8&Lang=En).

<sup>24</sup> E/C.12/ECU/CO/4 (Nov. 14, 2019), paras. 11, 12, available to download at

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fECU%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fECU%2fCO%2f4&Lang=en).

<sup>25</sup> CRC/C/JPN/CO/4-5 (Mar. 5, 2019), para. 37(d) and (e), available to download at

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/JPN/CO/4-5&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/JPN/CO/4-5&Lang=En).

<sup>26</sup> CRC/C/ESP/CO/5-6 (Mar. 5, 2018), para. 36, available to download at

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/ESP/CO/5-6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/ESP/CO/5-6&Lang=En).

<sup>27</sup> CEDAW/C/FJI/CO/5 (Mar. 14, 2018), para. 53(d), available to download at

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<sup>28</sup> CRC/C/NER/CO/3-5 (Nov. 21, 2018), para. 36, available to download at

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